

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Mariano Madrid,

4 Petitioner

5 v.

6 William Hutchings, et al.,

7 Respondents

Case No.: 2:19-cv-01659-APG-NJK

ORDER


[ECF Nos. 57/59]

9 This habeas case is on remand from the court of appeals for the limited purpose of ruling
10 on petitioner Madrid's motion to reopen the time for appeal. ECF No. 59. In response to my
11 prior order providing the respondents an opportunity to oppose the motion (ECF No. 60),
12 respondents leave the decision to my discretion. ECF No. 62. Madrid's claim that he did not
13 receive timely notice of judgment is unchallenged, and he meets the other conditions of Fed. R.
14 App. P. 4(a)(6). So, I grant the motion. *See United States v. Withers*, 638 F.3d 1055, 1061–62
15 (9th Cir. 2011).

16 I THEREFORE ORDER that Madrid's motion to reopen the time for appeal (ECF Nos.
17 57/59) is GRANTED. The time to file a notice of appeal of the court's September 7, 2022,
18 judgment (ECF No. 56) is extended to October 20, 2022. Accordingly, Madrid's notice of
19 appeal (ECF No. 57) is timely.

20 I FURTHER ORDER that the Clerk of Court serve a copy of this order on the United
21 States Court of Appeals for the Ninth Circuit (Case No. 22-16639).

22 Dated: December 28, 2022

23 
U.S. District Judge Andrew P. Gordon